

PROSECUTION
TO END TODAY

Mortensen's Attorneys May Begin Introducing Testimony.

MAY FINISH CASE MONDAY

DISTRICT ATTORNEY GOES INTO DEFENDANT'S FINANCES.

THE END of the Mortensen case is in sight. The prosecution will rest its case today by noon, District Attorney Elchorn hopes, and the defense will require only about two days, according to the Attorney General, in presenting its side. Three days at most will be taken up by the arguments, so that it is quite likely that by next Monday, which will be the beginning of the seventh week of the trial, the case will go to the jury.

It is believed that an effort will be made by Mortensen's attorneys to impeach the testimony of the state's witnesses, notably that of John Allen, the street car motorman. It is not expected that Mortensen will take the stand.

Peter Mortensen's finances occupied the attention of Judge and jury yesterday. The district attorney directed his efforts towards making good the promise of his opening statement, that he would prove Mortensen did not have \$3,000 in his house on the night of Dec. 16 last year.

Conflicting Statements.

Even should the defense present evidence to contradict that introduced by the state yesterday, there were two or three points in the day's proceedings that will with difficulty be cleared up. Mortensen, for instance, told a deputy sheriff that when he got through paying Hay he had \$3,000 left. Yet he has already been shown that this could not have been true, as \$370 was found hidden in his house shortly after his arrest.

Most of the testimony, however, went to impeach the statements of the defendant, made to Ernest Romney, as to where he expected the money to come from for the lumber settlement. It was testimony in great part, however, that proved to be verities, and of uninteresting. The largest crowd of the whole trial was in attendance, but growing weary, the spectators drifted out in groups during the afternoon, until the court room was less than half filled.

Allen Cross-examined.

The cross-examination of John Allen, the street car motorman, was resumed at 10 a. m. Attorney C. B. Stewart had him produce his time book, by which he showed that he worked seven days in December on the Calder's park line. "How have you talked with about this case since Friday?"

"Nobody."

"Have you talked with Mr. Nixon?"

"I have not."

"Now, see here, Mr. Allen, Mr. Nixon told you yesterday that you talked with him last Saturday?"

"I did not. I haven't seen Mr. Nixon since I left this court room."

"Do you remember a conversation you had on your car with Martin Fessler and O. T. Mitchell about 7:15 a. m. on Dec. 20, in which you said you were not positive the man you saw was Mortensen?"

"On that? I laid off that day."

"How do you know?"

"My book here shows it."

"Did any such conversation ever take place?"

"No."

"Did you ever say to Pearl Hill, or any of the parties I have named, that you didn't see enough to swear a man's life away?"

"No, never."

Talked With Henry Mortensen.

On re-direct examination Mr. Elchorn asked:

"Henry Mortensen has been to see you twice, hasn't he?"

"Yes, sir," replied Allen.

"He wanted you to change your story, didn't he?"

Attorney R. J. Stewart jumped to his feet with an objection, which was sustained. He charged the state's attorney with intimating that the defense had resorted to bad and illegal methods.

Chief Hilton was called to show what kind of clothes the defendant wore on the day of his arrest, but the testimony was not admitted.

Surveyor McAllister was then sworn and testified that he had checked up the distances shown on the map of Forest Dale which he had not personally supervised. The map was then admitted in evidence.

Mr. Elchorn here requested that the court and jury go to Forest Dale to view the premises testified to during the trial. The defense opposed, on the ground that all the evidence was not in.

The court denied the request at this time, saying the visit to Forest Dale, if made at all, would be more appropriate after the evidence is all in.

Justice of the Peace Dana T. Smith was next called by the state. He testified that Mortensen was cited in his court in September, 1901, on supplementary proceedings. There, on oath, Mortensen swore that he had no money on hand, but had some coming in on contracts. The Merchants' Protective association was pushing the action against the defendant, the witness said.

Weight of Hay.

Sharp Ottoburn, assistant yardman for the Pacific lumber company, was asked if he had seen James R. Hay being weighed a month or two prior to the tragedy. He answered negatively. The witness knew the weight of the deceased only by hearsay, and he was not allowed to testify.

Deputy Sheriff John B. Cummock told Mortensen told him on the night after his arrest, at police headquarters, that he had had the money in three jars in the cellar, and one in the pantry. In answer to a number of questions put by the witness, Mortensen said that after he paid Hay he had less than \$100 left.

Manager Romney of the Pacific Lumber company was recalled, and testified that a conversation he had with the defendant on Dec. 16, when the latter told him where he expected to get the money to settle up. Mr. Romney enumerated the items given him by Mortensen, as follows:

Bills, \$500; Matthews house, \$100; extras, \$50; Moline Plow company, \$341.10; Cannon house, \$530; Summers, \$380; Tanner, \$50; Mill Creek school, \$80; in the bank, \$190. Total, \$1,951.10.

Some of the sums were payable through Romney, the witness stated, but none of them had been paid by him.

Mortensen is Watchful.

Mr. Romney had fixed the time of this conversation as Tuesday, Dec. 5. Mortensen then did a clever thing. While the attorneys were attacking the witness on his dates and demanding what was the date that such was the date of the conversation, the defendant drew a calendar and pointed out to the jury that Dec. 5 fell on Thursday. Later Mr. Elchorn said that it was his mistake, not that of the witness, if the

day of the week and the day of the month did not correspond.

Mr. Elchorn then put on his witness to prove that Mortensen did not realize the money he expected to get on the items he enumerated to Mr. Romney.

Joseph W. Summers testified that out of \$205 he owed Mortensen, he paid him \$100 on Dec. 16. W. W. Overbeck of the Western Moline Plow company paid the defendant on Dec. 14 the sum of \$136 out of \$341.10 due him. Mrs. Allgall Matthews testified to paying the defendant \$250 during the fore part of December. Professor J. M. Tanner testified that he paid the defendant \$50 on Nov. 25.

Money Paid Out.

Mr. Elchorn then produced witnesses to show Mortensen's disbursements during the same period, most of it being for such purposes.

Charles J. Higson, plumber, testified that Mortensen paid him \$227 on Dec. 14. James E. Coult, plasterer, testified that he received \$50 from Mortensen on Dec. 15. E. C. Davis, plumber, testified that he received \$200 from Mortensen on Dec. 15, all in \$20 gold pieces. George W. Cracroft, painter, received \$12 from Mortensen during December. Martin Griffin received from him \$120 during October.

F. H. Luce, rock contractor, received from Mortensen \$70 on Oct. 12, \$15.50 on Oct. 19, \$70 on Oct. 26, \$20.75 on Nov. 2, and \$175.50.

Alonso H. Worthen, a contractor and builder, received in October and December \$100 from Mortensen. Olive M. Holding, bookkeeper for E. G. Holding, the electrical contractor, received from Mortensen on Nov. 2 \$88.30, \$14.40 being in cash.

The defendant's account at the Utah National bank was next gone into. Fred Sinclair, a bookkeeper at that institution, testified regarding it. Mortensen opened his account Oct. 21, 1901, and it continued until Dec. 16. The witness was about to read the account in his ledger when the defense objected on the ground that it was "hearsay" evidence. The evidence was finally admitted.

After a half-hour of discussion, Mr. Sinclair read the deposits and checks of the defendant from Oct. 21 to Dec. 16, showing total deposits of \$1,727.85 and checks amounting to \$1,719.55, the purpose of the state being to show that Mortensen did not have \$100 in the bank, as he stated to Ernest Romney.

SMELTER TRUST SUED.

Injured Workman Wants Damages in Sum of \$15,000.

The American Smelting and Refining company was yesterday made defendant in a \$15,000 damage suit by Bester E. Stebbins, an ex-employee of the company's smelter at Murray. According to the complaint, Stebbins was what is known as a helper boilermaker on the last day he worked there, and was engaged in constructing iron sheet piling for a belt that ran from the lower to one of the upper floors of the building. Stebbins, it is alleged, was standing on scaffolding fifteen feet above the ground, when an iron sledge hammer fell from above. The hammer, which the complaint charges fell on account of the careless way in which the scaffolding was erected, struck Stebbins on the head, precipitating him to the ground. In addition to completely destroying the sight of one eye and impairing that of the other, the complaint alleges that Stebbins received injuries about the neck, back and low extremities, permanently incapacitating him for work.

Wants Corporation Dissolved.

The state of Utah has instituted proceedings against the T. M. Moore company, a corporation, asking that the same be dissolved and that the corporation and its officers be enjoined from exercising their functions. The suit was filed in the district court on Dec. 20, in which you said you were not positive the man you saw was Mortensen?

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SHORT LINE ENJOINED

A. F. Doremus Secures Temporary Injunction on Building Construction Road West.

A. F. Doremus yesterday commenced

injunction proceedings against the Oregon Short Line Railroad company and the Plick & Johnson Construction company to prevent the building of a grade and track over his land in Tooele county.

The plaintiff alleged that the construction of this road will do him irreparable damage. A temporary injunction was granted and an order was issued requiring defendants to show cause why the temporary restraining order should not be made permanent.

The place of road in question is a short strip intended to be utilized temporarily for the transfer of the big steam shovels from the narrow gauge line to the place where they will be put into service making the long, deep cut through Stockton hill for the Leamington cut-off.

Another Fast Train.

In competition with the New York Central, Lake Shore and western connections, the Pennsylvania line will on June 15 inaugurate a twenty-hour service between Chicago and New York.

The service will be nearly perfect as modern railroading can make it, and \$3 extra will be charged for riding on these fast trains. The Chicago & Northwestern line is inclined to believe that an extra service to connect the train leaving Denver at 1 p. m. daily will arrive at Chicago at 4 the next afternoon, and the return trains will leave Chicago at 10 a. m., arriving at Denver at 8 the following evening.

High Salary for Railroad.

Topeka, Kan., June 9.—General Manager H. L. Mudge of the Santa Fe system is in Topeka today, after an absence of ten days in Colorado.

Mudge says while he has no official information to the effect that Third Vice President Kendrick will leave the Santa Fe, yet he is inclined to believe the rumor that Mr. Kendrick has been offered the position of European representative of the Westinghouse Air Brake company, with headquarters at London, Eng.

Mr. Kendrick is now in Europe, having gone there early in May.

Trains to Wasatch Resort.

The Oregon Short Line announced that it is now making direct connection at Sandy with street car service for the resort at Wasatch, which has just been opened. Trains leave Salt Lake daily at 7:55 a. m. and 7:05 p. m., returning, arrive Salt Lake at 6 a. m. and 5 p. m. Mr. E. Morrison is manager of the resort for the coming season.

Traffic News Notes.

All yesterday the ticket offices were rushed serving patrons who will go in various directions today, tomorrow and Thursday on the cheap summer excursions.

The biggest rush of ticket buyers is expected today.

General Manager Brockert and General Superintendent Calvin of the Short Line returned yesterday from a trip over the northern division.

There were several straggling parties of shirkers from the east in this city yesterday, on their way to San Francisco.

An Engineer's Fast Run.

An engineer one of the roads entering here, in speaking last night of fast runs said: "Although my machine is not slow, once let a cold get six hours the start of me and my machine is no match for it. I have for years kept a bottle of Kemp's Balsam constantly in my cab, and when a cough or cold gets a start of this standard remedy it is used a 'cold day' price, 25c and 50c. For sale by Godde-Pitts Drug company."

SEARCH FOR A BOY.

John Blakemore Has Been Absent From Home Since Saturday.

John Blakemore, a 13-year-old boy, has mysteriously disappeared from his home at 521 South Fifth West street.

All efforts of the police and of his relatives and friends to find a trace of the missing boy have failed.

For three days he has been absent, and his friends and acquaintances have scoured the city for the youngster, but up to this night not a trace of him has been seen. Hearbroken and fearful of the mystery surrounding the disappearance of the boy, the mother has invoked the aid of the police.

Yesterday morning the boy played around his home in his usual way. He soon joined a crowd of small boys who live in the neighborhood, and was seen in their company several times during the morning. He did not appear to be ill, and has not been seen by any of his family since. None of the boys with whom he played Saturday has seen him, nor do they remember when he left their company that day. No significance was attached to his absence from home on that day, but when he failed to return Sunday a search was instituted. His usual haunts were searched, but no trace of him has been seen. Friends joined the family in the search, and the city was practically covered Sunday and yesterday.

Mrs. Blakemore called at police headquarters last night and told the story of the boy's disappearance. He is only 13 years old, and when last seen wore a suit of dark clothing. He has a light complexion, and would be readily recognized by his family. The mother has no explanation for the disappearance of the boy, and expressed no fears of foul play. His continued absence from home has been a great mystery, but among his youthful acquaintances it is hinted that his absence is voluntary, and that he deserted his family and friends simply to see the world.

Tax on Babies.

Extreme hot weather is a great tax upon the digestive power of babies; when such a feeble thing should be given a few doses of White's Kidney and Liver Pills.

Vermifuge, the children's tonic. It will stimulate and facilitate the digestion of their food, so that they soon become strong, healthy and active. 25c at Z. C. M. I. Drug Dept.

Entire Stock "Chesterfield" Clothing for Men—One-third Off Prices.

Sale now on. AT WALKER'S.

Great Values in Infants' Wear At THE PARIS MILLINERY CO.

250 Ladies' Suits At 1/2 (half) price and less, at THE PARIS MILLINERY CO.

ANNUAL EASTBOUND EXCURSION.

June 10, 11 and 12.

The Denver & Rio Grande and Rio Grande Western railroads offer the following excursion rates to Salt Lake City. Open to everybody:

Denver, Colorado Springs and Pueblo.....\$20.00

Omaha, Kansas City, Sioux City, St. Joseph.....\$22.00

St. Louis.....\$23.00

St. Paul and Minneapolis.....\$23.75

Chicago.....\$24.50

For further information call on I. A. Benton, Dooly block, or any agent.

Screen doors and fixtures. Barton Coal & Lumber Co. Up-town office, 60 W. 2nd St. Yard, 263 W. 5th St.

AT SALT LAKE BEACH.

Superb bathing, delightful dancing, refreshing rest. Round trip, 25c.

Portland-Spokane Excursions.

Via Oregon Short Line, June 10, 11, 12, at greatly reduced rates, with long limit. Call for ticket office, 201 Main street, for particulars.

Entire Stock "Chesterfield" Clothing for Men—One-third Off Prices.

Sale now on. AT WALKER'S.

STATE NEWS

TO KILL GRASSHOPPERS

A New Device Tried With Success at Ephraim—A Description Given.

Ephraim, June 9.—A new device for the destruction of grasshoppers was tried yesterday. It is by far the best plan yet adopted in this section, and in order that its work may be realized, the farmers in all the infected districts in the state a description of the apparatus is given herewith.

The apparatus consists of a frame 2x12 feet, made of light lumber and braced to give strength. To the frame is attached a cone-shaped bag made of canvas or sheeting, stretching back from the frame for a distance of eight or ten feet. The small end of the cone is left open so that the captured hoppers can be shaken into a sack. While it is in use, however, this opening is tied up with a rope until a sufficient number of hoppers are obtained to dump; then it is untied and they are shaken into a sack. Ropes are attached to the frame to pull it up, and the hoppers are dumped into a sack. The hoppers jump into the sack as it is dragged along and the shaking of the canvas carries them to the small end of the cone.

One of these machines was tried on both lucern and grass land west of town yesterday afternoon and it caught three bushels of grasshoppers in less than a half-hour.

The hoppers that are half-grown are much easier to capture with this apparatus than the small ones.

Extra Madsen came over from the west end of the valley yesterday. He reports the lack of rabbits to be doing a great deal of damage to wheat in that section. Mr. Madsen says that the rabbits are as destructive to the grasshoppers wherever they attack a place of grain.

GRAND JURY IMPANELED.

Began Work by Investigating the Connor's Case.

Provo, June 9.—The following grand jurors were impaneled this morning in the fourth district court by Judge Booth: C. H. Foster, Joseph W. Vining, Thomas W. Allen, Almon W. Finley, Jonas Holdsworth, James A. Daniels and William Joseph E. Lovelace. Judge Booth was appointed foreman.

The instructions of Judge Booth were in the ordinary form, and the jury was to inquire into all violations of the law, to visit public institutions, etc.

The jury is now investigating the Connor's case, as mentioned in The Herald some days ago, and that was the reason for the delay in the case.

This time, if an indictment is found, Connor will be arrested as soon as he is released from the county jail.

He may be at any time, from his imprisonment, which he is now serving, on a charge of kidnapping.

Policeman Strong in this city on June 27, 1890. And even if the jury should find that Connor is guilty, there is no indictment against him found by a Carbon county grand jury for burglary committed in the city on the day before Mr. Strong was killed.

The opportunity for Connor to obtain his release by a corpus proceeding rests on the fact that the information against him was filed by the district attorney, who should, according to the opinion of the supreme court, have been filed by the county attorney, and several persons convicted under the act promoting the kidnapping of Connor, in fact, who have applied.

Hearing was resumed in the divorce case of Andrew Lovelace and David H. Lovelace.

Percy A. Black vs. Rocky Mountain Telephone company, passed for the present.

In the estate of David M. Llewellyn, deceased; Ann Johnson appointed administratrix; bond, \$1,000.

TO HAVE WATERWORKS.

Eureka Will Invite Bids for Building the Same.

Eureka, June 9.—The municipality is sending out invitations for bids for material for a complete water system. The specifications call for 4,000 feet of 4-inch pipe, 2,000 feet of 6-inch pipe, 1,000 feet of 8-inch pipe, 500 feet of 10-inch pipe, and two tanks sixteen feet high by twenty feet in diameter. The contract for these supplies is signed, contracts will be let for 3,000 feet of mains. It is the intention of the city to have the work done by residents of the town and district. The city has \$20,000 in the following work, the proceeds of sale of bonds.

Sheriff Cronin returned this morning from a trip to the state capital, where he had been to see the governor.

The McGrath murder case, which opens today at Nephi. The sheriff's errand took him to Reno, Nev. The town is almost depopulated by the exodus of witnesses, and the sheriff is having a great deal of trouble to get the witnesses to the trial.

The witnesses for the prosecution are not anticipating a very pleasant time while under examination. McGrath was well liked here, and the majority of people, while deeply regretting the tragedy, express sympathy for him.

CALL FOR CONVENTION.

Democrats of Cache Will Nominate a Candidate.

Logan, June 9.—The Democratic county committee has issued a call for a convention to nominate a candidate for county superintendent of schools. The Republicans and a few Democrats have been trying very hard of late to have the election postponed to a later date, and their efforts have been backed up by State Superintendent of Public Instruction Nelson, who, after much letter-writing, "rew suddenly silent, when it was suggested that if non-partisanism was good in the election of a county superintendent, it would be equally good in the choosing of a state superintendent.

The Democratic committee has decided that the results will be attained by having a partisan election, and have acted accordingly. The Democratic committee has elected George M. Thomson, the present incumbent, and E. R. Owen of Wellsville.

Mr. Johannes Nielson, a well known resident of the fourth ward of this city, died yesterday afternoon of old age and general debility. The deceased was a native of Sweden and was 72 years of age. He had resided here for fourteen years, and is survived by a wife and three grown children. Funeral services over the remains will be held in the Fourth ward hall at 2 o'clock tomorrow afternoon.

TEMPORARY INSANITY.

That Will Probably Be the Plea in the McGrath Case.

(Special to The Herald.)

Nephi, June 9.—Judge Marioneau's court opened at 11 o'clock this morning, when thirty-four jurors put in an appearance out of the forty summoned.

The McGrath murder case was the first case called for trial, and the jury was sworn.

Meers, Gardner and Ingalls expect to have two of the pumps working in forty days, the third fifteen days later and the fourth ten days later. The contractors

MR. ROBERT SIMPKINS, "I AM WELL AND STRONG TODAY."

"Doctors Called It Appendicitis"—Peruna Cured.

Mr. Robert Simpkins, Portia, N. Dak., writes:

"About a year ago I was suffering with pains in my stomach, which were called by the doctors said that I had appendicitis, and that an operation was necessary. I was miserable, as I could neither eat nor sleep. I wrote to Dr. Hartman and he advised me to follow his directions, which I gladly did, and today I am a well man, thanks to this wonderful medicine, Peruna. Peruna is the best thing on the market to-day for catarrh." Robert Simpkins.

Mr. R. M. Baker, a prominent citizen of Buckhead, Ga., writes in a recent letter his experience with Peruna to build up a broken down system. He says:

"Some time ago I was troubled with catarrh of the stomach and spent lots of money in buying so-called catarrh medicines and paying doctor's bills. Peruna was recommended to me by a friend and after taking a few bottles I am happy to say that I am entirely cured."

"I can recommend Peruna, because I believe it to be the best catarrh remedy on the market. My whole system was out of order and my health generally was very bad, but since taking Peruna I am now enjoying better health than I can ever remember, and fully believe that Peruna did the work. I shall always speak a good word in its behalf."

Hon. Thos. J. Henderson, Member of Congress from Illinois and Lieutenant in the Union Army for eight years, writes from the Lemon Building, Washington, D. C., as follows:

"Peruna has been used in my family with the very best results and I take pleasure in recommending your valuable remedy to my friends as a tonic and an effective cure for catarrh."—Thos. J. Henderson.

Catarrh assumes different phases in different seasons of the year. In the summer the stomach and bowels suffer the most often as the seat of the trouble. Peruna cures catarrh wherever located.

If you do not derive prompt and satisfactory results from the use of Peruna, write at once to Dr. Hartman, giving a full statement of your case and he will be pleased to give you his valuable advice gratis.

Address Dr. Hartman, President of The Hartman Sanitarium, Columbus, Ohio.

will also furnish the necessary electric power and will get it from the Jordan Powers plant at the site of the Utah power plant, which is to be erected at once. In order to rush the plant with all possible speed, Messrs. Ingalls and Gardner have telegraphed to the pump people at San Francisco to commence work at once and will send a man tomorrow to hurry matters.

The Utah Sugar company will also put in some pumps to be run by electric motors on their ranch at the Saratoga springs and will thus quadruple the supply from their hot springs, which will be used both for irrigation and bathing purposes.

DILLEY MURDER CASE.

Evidence Being Worked Up by Friends of Chipman.

(Special to The Herald.)

Price, June 9.—There are no new developments in the Dilley case. Sheriff Storrs stated that the Utah National bank is working up evidence for the Chipman family. They took the written statement of Justice of the Peace, an attorney, who was with Dilley at the time and claims it tallies with that of the coroner's inquest. There is still a strong guard around the jail house, and the coroner's inquest is being held in the city.

The preliminary hearing awaits to a certain extent the pleasure of Mark P. Braff